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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,697	02/02/2004	James R. Bowers	1388	8603
7590	03/18/2005		EXAMINER	
Law Offices of John D. Gugliotta, PE, Esq. 202 Delaware Building 137 South Main Street Akron, OH 44308			MILLER, TAKISHA S	
			ART UNIT	PAPER NUMBER
			2855	

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/769,697	BOWERS, JAMES R.
	Examiner	Art Unit
	Takisha Miller	2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than/thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 December 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-6 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 • Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 • Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Response to Amendment

2. The amendment filed 12/10/04 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "second purge/operate valve 22 connected to the low pressure tubing 12. It is anticipated that the manual purge system 10 is adaptable to be attached to an automatic purge system without disconnecting said instrument tubing 12 from said manual purge system via a removable connection means 36 within the connection between the valves 20, 22 and any differential pressure instrument in a manner adaptable to be reconnected if later required". Applicant is required to cancel the new matter and corresponding claims in the reply to this Office Action.

Claim Objections

3. Claims 2 and 5 are objected to because of the following informalities: they claim limitations which are not described in the original disclosure. Cancellation of the above claims is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Bolen (4,174,049).
- a. With respect to claim 1, Bolen teaches a free standing flow element manual purge system (10) ready to install to a first instrument tubing and a second instrument tubing (F,G,H,J) and for providing a means of manually purging a flow element/Pitot tube using high pressure purge fluid in fluid communication therewith through said free standing flow element manual purge system (10)(Fig.1)(Col.2, lines 40-49).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3,4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bolen in view of Hanson (3,380,298). Bolen teaches a manual purge system (10) comprising a zeroing and isolating instrument (Col. 5, lines 28-42) but lacks teaching first and second three-way valves. Hanson teaches first and second three-way valves (Fig.1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bolen to include first and

second three way valves instead of the needle and tip apparatus (see Bolen; Col. 4, lines 8-17) in order to utilize one of numerous and well known alternate types of valving members that a person having ordinary skill in the art would have been able to provide using routine experimentation in order to effectively release pressurized gas as already suggested by Bolen.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- (4,784,170) teaches a fuel injector cleaner kit.
- (6,543,463) teaches a device for cleaning airlines.
- (4,874,002) teaches a device for flushing a piping system.
- (4,922,937) teaches a method and apparatus for cleaning conduits.
- (4,611,488) teaches an apparatus for clearing a line with pressurized gas.
- (4,383,547) teaches a purging apparatus.
- (4,211,251) teaches a purging system.
- (3,831,448) teaches a manometer and Pitot tube probe.
- (1,438,811) teaches a clean-out device for pitot tubes.
- (5,964,238) teaches a condensate discharge line treatment.
- (6,557,570) teaches a portable apparatus for cleaning a conduit.
- (5,400,613) teaches a purger for refrigeration system.
- (4,498,347) teaches a fluid flow measuring apparatus.
- (6,263,889) teaches an engine lubrication cleaning system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Takisha Miller whose telephone number is (571) 272-2184. The examiner can normally be reached on Monday - Friday (7:00 am - 3:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (571) 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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